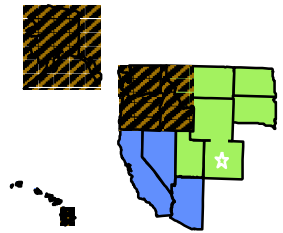




**US Army Environmental Center
Western Regional Environmental Office
REGION 8 – JULY 2006**

WESTERN REGION REVIEW



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. When used within the framework of ISO14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. Please contact your regional point of contact if any pending rules or laws in this document will have a significant impact on your operations.

WREO STAFF

Regional Chief/DOD REC Region 8
Gerald Owens
(303) 844-0953
gerald.owens@us.army.mil

Regional Counsel - Kevin Ward
(303) 844-0955
kward@rma.army.mil

Senior Army REC - Mark Mahoney
(303) 844-0956
mmahoney@rma.army.mil

Army REC Region 8 - Tim Blume
(303) 844-0958
tblume@rma.army.mil

Army REC Region 9 – Park Haney
(303) 844-0957
park.haney@us.army.mil

Army REC Region 10 – Brad Wright
(303) 844-0959
brad.wright@rma.army.mil

Project Manager - Bob Gurdikian
(303) 844-0952
rgurdikian@rma.army.mil

Administrative Assistant - Debora Clark
(303) 844-0950
dclark@rma.army.mil

Regulatory Affairs Specialist - Julia Miller
(303) 844-0954
jmiller@rma.army.mil

Multi-Service Contacts

DOD REC Region 8 - Gerald Owens
(303) 844-0953
gerald.owens@us.army.mil

Army REC Region 8 - Tim Blume
(303) 844-0958
tblume@rma.army.mil

Navy REC Region 8 - Hayden Street
(360) 396-5089
hayden.street@navy.mil

Air Force REC Region 8 - Mike Garrison
(214) 767-4652
mike.garrison@brooks.af.mil

DLA REC Region 8 - Frank Robinson
(801) 777-8028 (DSN 777-8028)
frank.robinson@dla.mil

WREO Information About Monthly Reviews

The monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: jmiller@rma.army.mil. Write "Subscription" in the subject line and include your name and e-mail address. For general comments, please contact Bob Gurdikian at the Western Regional Environmental Office, U.S. Custom House, 721 19th Street, Room 427, Denver, CO 80202-2500; phone: (303) 844-0952, or fax: (303) 844-0951.

The WREO's mission is to support the Army/DoD through coordination of regional environmental issues and activities. Part of its mission is to provide regional reviews of legislative and regulatory issues relevant to the Army/DoD in the Western Region. The information contained in this review is current as of the 20th day of the previous month.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

PROPOSED RULE INTERPRETING THE SCOPE OF CERTAIN MONITORING REQUIREMENTS FOR STATE AND FEDERAL OPERATING PERMITS PROGRAMS

– The United States Environmental Protection Agency (EPA) is requesting comments on a proposed interpretation of certain existing federal air program operating permits regulations ([71 FR 32006](#)). The interpretation proposes that certain sections of the operating permits regulations do not require an assessment of existing monitoring requirements in implementing the operating permits required in other rules. Written comments must be received by July 17, 2006. For more information, contact Larry Webber, United States Army Environmental Center (USAEC), at (410) 436-1213.

PERFORMANCE STANDARDS FOR STATIONARY SPARK IGNITION INTERNAL COMBUSTION ENGINES AND NESHAP FOR RECIPROCATING INTERNAL COMBUSTION ENGINES

- In advance of publication in the Federal Register, EPA has released the text of a proposed rule that would modify the new source performance standards (NSPS) for stationary spark ignition internal combustion engines, and the national emission standards for hazardous air pollutants (NESHAP) for reciprocating internal combustion engines. For more information, contact Larry Webber at (410) 436-1213.

http://www.epa.gov/ttn/oarpg/t3/fr_notices/siandricefnlpr.pdf

AIR QUALITY CRITERIA FOR LEAD – The EPA released a draft document titled, "Air Quality Criteria for Lead; Second External Review Draft" (EPA/600/R-05/144aB-bB) and invited comment. Comments were due June 27, 2006. The documents are available at

<http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=154041>.

DIESEL RETROFITS: QUANTIFYING AND USING THEIR BENEFITS IN SIPS AND CONFORMITY

– The EPA has released the document, "Diesel Retrofits: Quantifying and Using Their Benefits in SIPs and Conformity - Guidance for State and Local Air and Transportation Agencies" that provides guidance on quantifying and using emission reductions from highway and nonroad diesel vehicles, engines, and equipment that have been retrofitted. For more information, contact Larry Webber, USAEC, at (410) 436-1213. The document can be found at

<http://www.epa.gov/otaq/stateresources/transconf/policy/420b06005.pdf>.

WATER INFORMATION:

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) WATER

TRANSFERS PROPOSED RULE – The EPA is proposing an amendment to its Clean Water Act regulations to expressly exclude water transfers from regulation under the NPDES

permitting program ([71 FR 32887](#)). This proposed rule focuses exclusively on water transfers and is not relevant to whether any other activity is subject to the CWA permitting requirement. Comments must be received on or before July 24, 2006. For more information, contact Misha Turner, USAEC, at (410) 436-1203.

LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE - IMPLEMENTATION GUIDANCE – The EPA has released a draft guidance document for implementing the Long Term 2 Enhanced Surface Water Treatment Rule (EPA 816-R-06-006). Contact Misha Turner, USAEC, at (410) 436-1203. The draft document is at http://www.epa.gov/safewater/disinfection/lt2/pdfs/guide_lt2_eswtr_ig_6-9-06.pdf. The appendices to the draft document are at http://www.epa.gov/safewater/disinfection/lt2/pdfs/guide_lt2_eswtr_ig_appendices_6-9-06.pdf.

EPA WATERSENSE PRODUCT LABEL – The EPA has initiated a new water efficiency labeling and education program called WaterSense. The WaterSense program aims to raise awareness about the importance of water efficiency, ensure the performance of water efficient products and provide good consumer information. The WaterSense label will be easily identified on products and services that perform at least 20 percent more efficiently than their less efficient counterparts. Additional information about the WaterSense water efficiency program is at <http://www.epa.gov/watersense/>

WASTE INFORMATION:

UNDERGROUND STORAGE TANK PROVISIONS OF THE ENERGY POLICY ACT OF 2005 – The EPA has posted an overview of their efforts to develop compliance guidelines for the underground storage tank provisions of the Energy Policy Act of 2005. The EPA intends to issue draft guidelines for conducting inspections later this year. For more information, contact Mike Eck. The full text of the Energy Policy Act of 2005 can be found on pages 500-513 at http://www.epa.gov/swrust1/fedlaws/publ_109-058.pdf. http://www.epa.gov/swrust1/fedlaws/nrg05_01.htm

OTHER INFORMATION:

EPA REGULATORY AGENDA – The EPA published its semiannual regulatory agenda ([71 FR 23226](#)). The agenda updates the public about regulations and major policies currently under development, reviews existing regulations and major policies, and rules and major policies completed or canceled since the agenda was last published. If you have any questions or concerns regarding an agenda item, please contact your Regional Environmental Coordinator (contact information is on the front of this publication).

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OTHER FEDERAL INFORMATION

REMOVING THE BALD EAGLE IN THE LOWER 48 STATES FROM THE LIST OF ENDANGERED AND THREATENED WILDLIFE – The United States Fish and Wildlife Service (USFWS) extended the comment period for the proposed rule to remove the bald eagle from the List of Threatened and Endangered Wildlife under the Endangered Species Act ([71 FR 28293](#)). The public comment period was extended to June 19, 2006. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

DEFINITION FOR THE PROTECTION OF BALD EAGLES – The USFWS extended the comment period for the proposed rule to establish a regulatory definition of "disturb" under the Bald and Golden Eagle Protection Act ([71 FR 28294](#)). The public comment period was extended to June 19, 2006. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

DRAFT NATIONAL BALD EAGLE MANAGEMENT GUIDELINES – The USFWS extended the comment period for the draft National Bald Eagle Management Guidelines ([71 FR 28369](#)). The public comment period was extended to June 19, 2006. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

ADDITIONAL MEASURES TO REDUCE CORROSION OF PREPOSITIONED MILITARY ASSETS COULD ACHIEVE COST SAVINGS – The Government Accountability Office (GAO) has released a report recommending that the Army examine the feasibility of using temporary shelters to store land-based prepositioned assets currently stored outdoors and that the Army and Marine Corps enhance their efforts to collect corrosion-related data on prepositioned assets, to reduce the impact of corrosion on prepositioned assets and support additional corrosion prevention and mitigation efforts. The DoD concurred with GAO's recommendations. The document can be found at <http://www.gao.gov/cgi-bin/getrpt?GAO-06-709>.



UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
EPA Training Courses	Multiple Dates	Multiple Sites	The EPA continually offers regional and national training opportunities on a variety of subjects. www.trainex.org
Health Risk Communication Workshops	July 5-7, 2006 August 22-24, 2006	San Antonio, TX Colorado Springs, CO	The Risk Communication Training Program prepares defense agencies, uniformed services, and veteran services personnel to interact better with both internal and external audiences in sensitive and challenging situations related to encroachment, sustainability, environmental, and other topics. http://chppm-www.apgea.army.mil/risk
UXO/Countermines/Range Forum 2006	July 10 – 13, 2006	Las Vegas, NV	This conference assembles the best research to showcase cutting-edge technologies, ideas, programs and partnerships. The most difficult challenges in supporting the war fighter will be addressed in technical presentations, exhibits, speeches, and networking events. http://www.theforum2006.com/
Historic Preservation Law and Section 106 Compliance Course	July 18 – 20, 2006	Langley, VA	This course emphasizes legal compliance (the National Historic Preservation Act Section 106 process) through the use of actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes, but is not limited to, the stewardship role, use of historic properties, and communications with related oversight agencies. For more information, please visit https://www.cecos.navy.mil/showcourse.cfm?CourseID=24 .
StormCon	July 24 – 27, 2006	Denver, CO	The fifth annual North American Surface Water Quality Conference and Exposition will offer sessions on best management practices and research designed to provide solutions to community surface water quality problems and compliance challenges. http://www.stormcon.com/sc.html
Integrated Training Area Management Workshop	August 7-10, 2006	Manhattan, KS	The theme for this year's Workshop is "Sustaining Army Training in the Nation's Heartland". https://srp.army.mil/ITAM/Workshop/UpcomingWorkshop.aspx?Areald=5
Introduction to Cultural Resources Management	August 15 – 17, 2006	New London, CT	This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. For more information, please visit https://www.cecos.navy.mil/showcourse.cfm?CourseID=25 .
Air Innovations Conference	September 6-8, 2006	Denver, CO	Sponsored by EPA and the Department of Energy, this conference provides the latest information on new and innovative technologies to achieve clean air goals. http://www.cleanairinfo.com/airinnovations/
2006 Annual Meeting of the Association of Fish and Wildlife Agencies	September 17-22, 2006	Aspen, CO	Share in accomplishments and develop new proactive strategies for wildlife in the 21 st century. www.iafwa.org/annualmeet.html
Groundwater Resources Association 15th Annual Meeting	September 21-22, 2006	San Diego, CA	The meeting will focus on assessment, use and management of groundwater in areas of limited supply. www.grac.org/annualmeeting06.asp
East Valley Water District Water Quality/Regulatory Conference	October 11-13, 2006	Ontario, CA	Conference will include tracks such as water quality regulations, perchlorate, legal issues, and disinfection by-products. www.eastvalley.org/wqc06/wqc06_callPapers.shtml
National Land Conservation Conference	October 12-15, 2006	Nashville, TN	Learn about latest legislation that will change land conservation practices. www.lta.org/training/rally.htm
National Preservation Conference	October 31 – November 5, 2006	Pittsburgh, PA	This year's conference will focus on the combined goals of green building and historic preservation advocacy. www.nthpconferenc.org

EVENT	DATE	LOCATION	DETAILS
American Farmland Trust's National Conference	November 13-15, 2006	Newark, DE	This year's theme is "Farming on the Edge: The Next Generation" and will bring together diverse leaders with a focus on protecting working lands and planning for their future. www.farmland.org/news/events/2006conference/default.asp
Partners in Environmental Technology Technical Symposium & Workshop	November 28-30, 2006	Washington, DC	This event will provide attendees concurrent technical sessions covering the latest in environmental research results and technical innovations. www.serdp.org/Symposium/index.cfm

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

IMPLEMENTATION OF THE CLEAN AIR MERCURY RULE (CAMR) – The Colorado Department of Public Health and Environment (CDPHE) is discussing the implementation of the CAMR. The CDPHE is anticipating a formal hearing in September 2006. For more information, contact Melanie Loyzim at (303) 692-3147. The CAMR Web site is available at <http://www.cdphe.state.co.us/ap/reg6.html>.

SECTION 308 REGIONAL HAZE RULE - The Department prepared a regional haze SIP revision pursuant to Section 308 of the Regional Haze Rule. The regulation was approved at a hearing held March 15, 2006 and was effective May 30, 2006. For more information, contact Kirsten King at (303) 692-3111. The Regional Haze Web page is available at <http://www.cdphe.state.co.us/ap/regionalhaze.html>.

UPSET PROVISIONS IN THE COMMON PROVISIONS REGULATION – The Air Quality Control Commission (AQCC) is discussing the Upset Provisions of the Common Provisions Regulation. The AQCC held a public meeting to discuss the provisions on June 9, 2006. For more information, contact Kirsten King at (303) 692-3111.

AMENDMENTS TO THE NEW SOURCE PERFORMANCE STANDARDS AND PARTICULATE, SMOKES, CARBON MONOXIDE AND SULFUR OXIDES REGULATIONS – The CDPHE is discussing amendments to Regulation 1, Particulates, Smokes, Carbon Monoxide and Sulfur Oxides, and Regulation 6, Standards of Performance for New Stationary Sources. The request for a formal rulemaking was made on June 15, 2006. For more information, contact Melanie Loyzim at (303) 692-3221.

WATER INFORMATION:

None.

WASTE INFORMATION:

ADOPTION OF WASTE MOTOR VEHICLE TIRE HAULER REGULATIONS – The CDPHE is discussing the development of regulations addressing waste motor vehicle tire haulers. The rule may be considered for adoption by the Board of Health in late summer or early fall 2006. For more information, contact Doug Ikenberry at (303) 692-3300. The draft regulatory text is available at <http://www.cdphe.state.co.us/hm/tirehauler.htm>.

AMENDMENTS TO THE HAZARDOUS WASTE PROGRAM – The Hazardous Waste Commission has amended the hazardous waste program fees for fiscal year 2007. Additionally, the rulemaking updates the Uniform Hazardous Waste Manifest Rule. The amendments were adopted at a hearing held on May 16, 2006. They were effective July 2, 2006. For more information, contact Laurie Perila at (303) 692-3467.

http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1689

ADOPTION BY REFERENCE OF EXISTING CODES FOR STORAGE TANKS – The Colorado Department of Labor and Employment (CDLE) has adopted updated references to the codes, documents or standards that have existed in prior editions of the Department's storage tank rule. The amendments were adopted and took effect April 30, 2006. For more information, contact Dick Piper at (303) 318-8502.

[http://oil.cdle.state.co.us/Rule%20Making%20Notices/Inspectors/PROPOSED%](http://oil.cdle.state.co.us/Rule%20Making%20Notices/Inspectors/PROPOSED%20Rules)

INTERIM EVALUATION AND MANAGEMENT APPROACH FOR TETRACHLOROETHENE – The CDPHE is proposing the adoption of a policy on an interim evaluation and management approach for tetrachloroethene (also known as PCE or PERC). Comments were due June 30, 2006. For more information, contact Walter Avramenko at (303) 692-3362.

LEGISLATIVE DEVELOPMENTS

The 2006 legislative session began on January 11, 2006 and ended on May 10, 2006. For information on the legislative session, link: <http://www.leg.state.co.us/>.

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Air	HB 1113	Representative Anne McGihon (D) Senator Dan Grossman (D)	Proposes to allow state air quality regulations and implementation plans to be more stringent than federal law in preventing or reducing air pollution, consistent with the legislative declaration of the Colorado Air Pollution Prevention and Control Act.		1/13/06			Bill did not pass
	HB 1177	Representative Anne McGihon (D) Senator Brandon Shaffer (D)	Proposes to continue the asbestos control program in CDPHE until July 1, 2013.		1/23/06	2/21/06	3/10/06	Signed by Governor 3/27/06
	HB 1302	Representative Joe Stengel (R)	Proposes to eliminate the existing basic auto emissions program. Expands the Clean Screen Program.		2/3/06	5/1/06	5/4/06	Signed by Governor 5/25/06
	HB 1309	Representative Anne McGihon (D) Senator Dan Grossman (D)	Proposes to allow state air quality regulations and implementation plans to be more stringent than federal law in preventing or reducing air pollution, consistent with the legislative declaration of the Colorado Air Pollution Prevention and Control Act.		2/5/06	2/27/06	4/3/06	Vetoed by Governor 4/24/06

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Air	SB 58	Senator Ron May (R) Representative Mark Larson (R)	Proposes to change the requirement for periodic emissions inspections of light-duty diesel motor vehicles from once every 12 months to once every 24 months for vehicles of model year 2004 or newer.		1/12/06	3/20/06	4/24/06	Signed by Governor 5/11/06
Water	HB 1253	Representative James Sullivan (R) Senator Bob Bacon (D)	Grants county board of commissioners authority to regulate water quality related issues, as is necessary to comply with rules promulgated by the WQCC.		1/31/06			Bill did not pass
	HB 1337	Representative Dorothy Butcher (D) Senator Lewis Entz (R)	Proposes to change the civil penalties for violation of water quality control provisions to not more than \$25,000 per violation per day.		2/16/06	3/22/06	5/5/06	Signed by Governor 5/26/06
	SB 34	Senator Lewis Entz (R) Representative Mary Hodge (D)	Proposes to specify that the Board of Directors of the Colorado Water Resources and Power Development Authority shall include one member who is experienced in public health issues related to water quality.		1/11/06	1/30/06	2/17/06	Signed by Governor 3/31/06
	SB 132	Representative Greg Brophy (R) Representative Mary Hodge (D)	Proposes to extend the repeal date of the domestic wastewater treatment grant program to allow the state to enter into contracts with counties on behalf of unincorporated areas for construction of high priority domestic wastewater treatment projects.		1/27/06	2/20/06	3/10/06	Signed by Governor 3/31/06

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Water	SB 179	Senator Jim Isgar (D) Representative Joshua Penry (R)	Proposes to create the Water Supply Reserve Account in the Severance Tax Trust Fund.		2/6/06	3/31/06	5/5/06	Signed by Governor 5/26/06
Waste	HB 1074	Representative Judy Solano (D) Senator Steve Johnson (R)	Proposes to extend the waste tire recycling fee. Proposes to require that the Advanced Technology Fund be used to finance research and development with regard to waste diversion and recycling strategies.		1/11/06	2/6/06	3/14/06	Signed by Governor 3/31/06
	HB 1303	Representative Tom Plant (D) Senator Abel Tapia (D)	Proposes to create a county environmental hazard remediation fund within the state treasury.		2/2/06			Bill did not pass
	SB 8	Senator Ron May (R) Representative John Pommer (D)	Proposes to require motor vehicles that weigh less than 10,000 pounds and transport hazardous waste materials to meet the minimum standards for commercial vehicles.		1/11/06	1/31/06	4/27/06	Signed by Governor 5/25/06
Natural Resources	HB 1311	Representative Kathleen Curry (D) Senator Jim Isgar (D)	Proposes to appropriate money from the Species Conservation Trust Fund for programs submitted by the Executive Director of the DNR that are designed to conserve native species that have been listed as threatened or endangered under state or federal law.		2/5/06	4/17/06	5/3/06	Signed by Governor 5/25/06

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Land Use	HB 1025	Representative Morgan Carroll (D) Senator Bob Hagedorn (D)	Proposes to create concurrent legislative jurisdiction between the state of Colorado and the United States over specified real property within the Buckley Air Force Base. The bill would cede concurrent legislative jurisdiction over specified tracts within the Base.		1/11/06	1/23/06	3/14/06	Signed by Governor 3/27/06
	HB 1053	Representative John Pommer (D) Senator Lewis Entz (R)	Proposes to allow each local government with a population greater than 10,000 to prepare, adopt and update a growth management master plan.		1/11/06	2/20/06		Bill did not pass
	HB 1096	Representative Lynn Hefley (R)	Proposes to prohibit a district from having and exercising the power of eminent domain or dominant eminent domain unless certain conditions have been satisfied.		1/13/06			Bill did not pass
	HB 1099	Representative Cory Gardner (R) Senator Greg Brophy (R)	Proposes to prohibit the state or any political subdivision from exercising the power of eminent domain except where the exercise of the power is for a public use as defined in the act.		1/13/06			Bill did not pass

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Land Use	HB 1208	Representative Kevin Lundberg (R) Senator Shawn Mitchell (R)	Proposes to provide that, in any case in which private property has been taken by condemnation, the property owner will be awarded an additional and special amount of compensation for the violation of the property owner's private property rights and for any additional costs and damages incurred by the property owner resulting from the condemnation.		1/27/06			Bill did not pass
	SB 154	Senator Ron May (R) Representative Jack Pommer (D)	Proposes to cross-reference various statutory provisions pertaining to the power of eminent domain.		1/31/06	2/24/06	3/21/06	Signed by Governor 4/6/06
	SB 169	Senator Lois Tochtrop (D)	Proposes to make changes to requirements of establishment and review of an urban renewal authority or the approval of an urban renewal plan.		1/30/06			Bill did not pass
	HCR 1001	Representative Al White Senator Lois Tochtrop (D)	Proposes to provide that private property will not be taken or damaged for public or private use without just compensation.		2/14/06			Bill did not pass
Other	HB 1095	Representative Paul Weissmann (R) Senator Deanna Hanna (D)	Relates to preferences for the purchase of environmentally friendly products by government entities.		1/13/06	1/31/06	3/24/06	Governor vetoed 4/24/06

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Other	HB 1239	Representative Diane Hoppe (R) Senator Jim Isgar (D)	Proposes to amend the sunset provision of the "Pesticide Applicators' Act."		1/31/06	2/20/06	3/16/06	Signed by Governor 3/31/06
	HB 1265	Representative K. Jerry Frangas (D) Senator Paula Sandoval (D)	Proposes additional requirements pertaining to lead based paint abatement		2/1/06	2/21/06	3/9/06	Signed by Governor 3/27/06
	HB 1274	Representative Mary Hodge (D) Senator Lewis Entz (R)	Proposes to continue the regulation for pesticide applicators by the Commissioner of Agriculture until July 1, 2015.		2/2/06	3/14/06	4/24/06	Signed by Governor 5/26/06
	HB 1317	Representative Alice Madden (D) Senator Joan Fitz-Gerald (D)	Proposes to direct the Colorado Energy Research Institute and the Energy and Environmental Security Initiative at the University of Colorado to annually create a Colorado energy profile containing up-to-date statistical energy information relating to Colorado.		2/6/06	3/22/06	5/2/06	Vetoed by Governor 6/2/06
	SB 3	Senator Ken Kester (R)	Proposes the use of biofuels in state buildings.		1/11/06	1/31/06	2/27/06	Signed by Governor 3/31/06

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Other	SB 16	Senator Lewis Entz (R) Representative John Pommer (D)	Proposes to require the Executive Director of the Department of Personnel to establish a policy by January 1, 2007, requiring all state-owned diesel vehicles and equipment to use a fuel blend of 20% biodiesel and 80% petroleum diesel.		1/11/06	2/1/06	2/27/06	Signed by Governor 3/31/06
	SB 138	Senator Brandon Shaffer (D) Representative Cory Gardner (R)	Proposes to address Interim Committee on Rural Economic Development Issues. Requires that all gasoline sold in Colorado contain a percentage of denatured ethanol by a certain date.		1/27/06	4/27/06	5/4/06	Vetoed by Governor 5/26/06
	HJR 1006	Representative Alice Madden (D) Senator Brandon Shaffer (D)	Proposes to designate 25 January as Colorado Military and Veterans Appreciation Day.		1/20/06	1/25/06	1/25/06	Signed by President of the Senate 1/30/06

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MONTANA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

MERCURY CONTROL PLAN FOR COAL-FIRED ELECTRIC GENERATING UNITS – The Montana Department of Environmental Quality (DEQ) is discussing the development of a mercury control plan for coal-fired electrical generating facilities. The DEQ is proposing to adopt the federal mercury trading program after a determination that EPA would not approve a state-specific program that relied on intrastate trading, as had been discussed by the DEQ. As such, the DEQ is proposing to adopt the federal trading program, but with an expiration date of December 31, 2014. Written comments were due July 6, 2006. For more information, contact Debbie Skibicki at (406) 444-1472. The proposed revisions are available at http://deq.mt.gov/ber/2006_Agendas/Mar06/IIIB1NoticePubHrgPropAmendAdopt.pdf.

WATER INFORMATION:

2006 TMDLS – The DEQ is discussing developing total maximum daily loads (TMDLs) for the following water bodies: Columbia Basin (Fisher, Lower Blackfoot, Bitterroot, Nevada Creek, and Lolo); Upper Missouri (Beaverhead, Jefferson, and Upper Boulder); Lower Missouri (Beaver, Marias-Willow Creek, Upper Milk, Upper-Middle Musselshell, and Belt); and Yellowstone (Clarks Fork-Yellowstone, Stillwater-Columbus, Yellowstone-Sweetgrass, and Yellowstone-Lower Bighorn). The TMDLs are anticipated to be completed in 2006, however their exact completion date is unknown. For more information, contact Robert Ray at (406) 444-5319.

BITTERROOT HEADWATERS TMDL – The DEQ has prepared a water quality assessment and TMDL for the Bitterroot headwaters. The TMDL was approved by the EPA on April 12, 2006. For more information, contact Greg Mathieus at (460) 444-6697. Notice of EPA's final approval is available at <http://www.deq.state.mt.us/wqinfo/TMDL/BitterrootHeadwaters/BHTMDLApprovalLetter%20.pdf>. The final TMDL is available at <http://www.deq.state.mt.us/wqinfo/TMDL/BitterrootHeadwaters/FinalBitterrootMaster.pdf>.

AMENDMENTS TO MUNICIPAL WATER USE RULES – The DEQ has amended regulations to remove the definition of "municipal use." The DEQ adopted the regulation and it took effect June 2, 2006. For more information, contact Kimberly Overcast at (406) 444-6614. http://dnrc.mt.gov/About_Us/notices/36-22-101.pdf

WASTE INFORMATION:

AMENDMENTS TO THE PETROLEUM STORAGE TANK MANAGEMENT AND OPERATION REQUIREMENTS – The DEQ is proposing to amend the petroleum storage tank rules as they relate to owner/operator reimbursement claims. The revisions would clarify that claims made by an owner/operator may be suspended if the owner/operator falls out of compliance. The rules also clarify that such a claim may be reinstated by the Petroleum Tank Release Compensation Board when the owner/operator returns to compliance. Written comments were due June 15,

2006. For more information, contact Terry Wadsworth at (406) 841-9052. The proposed revisions are available at <http://deq.mt.gov/dir/legal/Notices/17-247pro.pdf>.

OTHER INFORMATION:

IMPLEMENTATION OF THE STATE MANAGEMENT PLAN FOR THE GREY WOLF – The Montana Department of Fish, Wildlife, and Parks (DFWP) is discussing the implementation of the State Wolf Management Plan. Montana has a federally approved management plan that will take effect upon the delisting of the grey wolf from the endangered species list. While no timeframe for this is available, the DFWP is discussing the implementation of all steps that may be completed prior to delisting. For more information, contact Steve Knapp at (406) 444-4717.

UPDATES TO THE AIR QUALITY OPERATION FEES AND AIR QUALITY OPEN BURNING FEES – The DEQ is discussing updates to the annual air quality operation fees and air quality open burning fees. The amendments would affect all facilities that either hold an air quality permit or that will be required to obtain an air quality permit pursuant to Title V of the Federal Clean Air Act as well as major open burners. The DEQ requested that the Board of Environmental Review (BER) initiate this rulemaking at its June 2, 2006 public hearing. For more information, contact Charles Homer at (406) 444-5279.

LEGISLATIVE DEVELOPMENTS

There is no 2006 regular legislative session. For information on the 2005 legislative session, link: <http://www.leg.state.mt.us>.

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NORTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

ADOPTION OF FEDERAL NSPS, NESHAPS, MACT, ACID RAIN, AND TITLE V REGULATIONS

The North Dakota Department of Health (DOH) is proposing amendments to the state air rules to adopt updates to federal NSPS, NESHAPS, Maximum Available Control Technology (MACT), Acid Rain, and Title V permits. The rulemaking is an adoption by reference and will primarily update references in the rules to January 1, 2006. Following the release of the revised text, the DOH will present the proposed rule to the Air Pollution Advisory Council, State Health Council and Legislative Rules Committee for final approval. The changes are expected to be finalized by the end of 2006. For more information, contact Tom Bachman at (701) 328-5188. A summary of the proposed regulations is available at <http://www.health.state.nd.us/AQ/Dockets/Rule%20Revision%20Summary.pdf>.

IMPLEMENTATION OF THE CLEAN AIR MERCURY RULE – The DOH is proposing regulations to implement the federal Clean Air Mercury Rule. Staff anticipate that the DOH will adopt EPA's model rule and model allocation plan by reference. Following the release of the revised text, the DOH will present the proposed rule to the Air Pollution Advisory Council, State Health Council and Legislative Rules Committee for final approval. The changes are expected to be finalized by the end of 2006. For more information, contact Tom Bachman at (701) 328-5188. The draft rules are available at [http://www.health.state.nd.us/AQ/Dockets/111\(d\)%20Plan%20for%20Hg.pdf](http://www.health.state.nd.us/AQ/Dockets/111(d)%20Plan%20for%20Hg.pdf).

ADOPTION OF THE REGIONAL HAZE RULE – The DOH is proposing the implementation of the federal regional haze rule. Following the release of the revised text, the DOH will present the proposed rule to the Air Pollution Advisory Council, State Health Council and Legislative Rules Committee for final approval. The changes are expected to be finalized by the end of 2006. For more information, contact Terry O'Clair at (701) 328-5188. The proposed regulations are available at <http://www.health.state.nd.us/AQ/Dockets/Chapter%2033-15-25.pdf>.

WATER INFORMATION:

DRAFT TMDLS – The DOH is discussing TMDLs for several waterbodies. See the table below for the location, criteria pollutants, and comments regarding development. For more information, contact Michael Ell at (701) 328-5214.

Water Body	Criteria Pollutant	Comments
Cannonball River	Pathogens	The final version published in March 2005. http://www.health.state.nd.us/WQ/SW/Z2_TMDL/TMDLs_Completed/Cannonball_Bacteria_TMDL_Final.pdf
Cheyenne River	Sedimentation and fecal coliform	The draft is complete, but its release for public comment has been delayed.
Pheasant Lake	Not determined	The TMDL has not been released.

Wild Rice River	Not determined	The TMDL has been placed on indefinite hold.
Maple River	Not determined	No further developments.
Dead Colt Creek	Nutrients and dissolved oxygen	The draft was released for public comment. The DOH is reviewing comments.
Indian Creek	Not determined	The DOH is continuing to collect data for the TMDL.
Bear Creek	Not determined	No schedule for release of draft TMDL has been proposed.
Bone Hill Creek	Not determined	No schedule for release of draft TMDL has been proposed.
Northgate Dam	Nutrients, sediment, and dissolved oxygen	The DOH is reviewing comments.
Lake Hoskins	Nutrients and dissolved oxygen	The DOH released the draft TMDL in late May 2006. http://www.health.state.nd.us/WQ/SW/Z2_TMDL/TMDLs_Under_PublicComment/Lake%20Hoskins%20Draft%20TMDL%2020060522(d).pdf

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

There is no 2006 regular legislative session. For information on the 2005 legislative session, link: <http://www.state.nd.us/lr/>.

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SOUTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

UPDATES TO THE STATE AIR POLLUTION CONTROL RULES TO INCORPORATE UPDATED FEDERAL RULES

The South Dakota Department of Environment and Natural Resources (DENR) has adopted changes made to the federal air quality regulations. Specifically, the rulemaking adopts updated references regarding definitions, operating permits, NSPS, NESHAPs, performance testing, control of visible emissions, emissions monitoring systems and the acid rain program. The amendments were adopted and took effect June 13, 2006. For more information, contact Kyrik Rombough at (605) 773-3151.
<http://www.state.sd.us/denr/DES/AirQuality/PublicNotices/DraftRules.pdf>

WATER INFORMATION:

DRAFT TMDLS – The South Dakota Department of Environment and Natural Resources is discussing TMDLs for several waterbodies. Please see the table below for the location, criteria pollutants, and comments regarding development. For more information, contact Gene Stueven at (605) 773-3296.

Water body	Basin	Criteria Pollutant	Comments
Whitewood Creek	Belle Fourche River	Temperature Fecal coliform	An assessment of fecal coliform is being performed for the following segments: Deadwood Creek to Spruce Gulch; Spruce Gulch to Sandy Creek; and Whitetail Summit to Gold Run Creek. No schedule for development.
(Upper) North Fork Rapid Creek	Cheyenne River	Temperature	The DENR is collecting data for this TMDL and accepting comments.
Turkey Ridge Creek	Vermillion River	Total suspended solids Nutrients	The DENR continues to prepare this TMDL. There is no schedule for development.
Little White River	White River	Total suspended solids	Assessment currently being performed. No schedule for TMDL development.
Wilmarth Lake	James River	Trophic state index	The DENR is performing the water body assessment.

Water body	Basin	Criteria Pollutant	Comments
Keya Paha	Niobrara River	Total suspended solids	The DENR is performing the water body assessment. There is no schedule for development.
Richmond Lake	James River	Fecal coliform Trophic state index	The DENR is performing the water body assessment. There is no schedule for development.
Central portion	Big Sioux River	Total suspended solids Fecal coliform	TMDLs have not been released.
North central portion	Big Sioux River	Total suspended solids	Assessment initiated.
Lower portion	Big Sioux River	Total suspended solids Fecal coliform	Assessments have been initiated.
Corsica Lake	Missouri River	Trophic state index	No schedule for further development.

DESIGNATION OF BENEFICIAL USES FOR WATERBODIES IN FIVE BASINS – The DENR has designated beneficial uses for waterbodies in five basins. The DENR undertook a beneficial use analysis for the following waterbodies: Minnesota River Tributaries (Labolt Creek); Big Sioux River Basin (Skunk Creek, West Pipestone Creek and Big Ditch Creek); Cheyenne River Basin (Beaver Creek); Belle Fourche River Basin (Redwater and Rubicon Gulch Creeks); and Vermillion River Basin (Blind Creek). The redesignations have not yet been submitted to EPA for final approval. For more information, contact Patrick Snyder at (605) 773-4729.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2006 legislative session began on January 10, 2006 and ended March 20, 2006. For information on the legislative session, link: <http://legis.state.sd.us/index.cfm>.

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UTAH

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

None.

WATER INFORMATION:

ONSITE WASTEWATER SYSTEMS – The Utah Department of Environmental Quality (DEQ) is proposing amendments to R317-4, Onsite Wastewater Systems. The DEQ plans to repeal the existing "alternative" methods and replace them with new, clearer methodologies that will better delineate responsibilities between the Department and local and state health agencies. The DEQ also will add several new onsite wastewater disposal system technologies to the rules. For more information, contact Kiran Bhayani at (801) 538-6080. The proposed rule text is available at http://waterquality.utah.gov/Rules/R317-4_text_6-6-05.pdf.

AMENDMENTS TO THE WATER POLLUTION CONTROL FACILITY RULES – The DEQ is discussing the development of regulations to house the tax exemption requirements for water pollution control equipment. For more information, contact Rino Dicataldo at (801) 538-6054.

STATE TMDLS – The DEQ is preparing total maximum daily loads (TMDLs) for the following water bodies: Spirit Lake; Strawberry Reservoir; Tony Grove Lake; Yankee Meadow Reservoir; Utah Lake; Escalante River; Paria River; Silver Creek; and Pineview Reservoir. The Tony Grove Lake, Silver Creek, and Utah Lake TMDLs remain under development. The Silver Creek, Paria River, and Escalante River TMDLs have been submitted to the EPA for final approval. For more information, contact Harry Judd at (801) 538-6047.

NAVAJO LAKE TMDL – The DEQ has adopted a TMDL for dissolved oxygen and a water quality management plan for Navajo Lake. The DEQ announced on June 7, 2006 that Navajo Lake has been delisted due to existing physical conditions at the lake. For more information, contact Harry Judd at (801) 538-6047.

WASTE INFORMATION:

AMENDMENTS TO THE RISK BASED CORRECTIVE ACTION GUIDELINES FOR LEAKING UNDERGROUND STORAGE TANKS – The DEQ has amended the Risk Based Corrective Action guidance documents for leaking underground storage tanks to merge the Tier 1 and Tier 2 guidelines into a single corrective action guidance document. The documents were approved and took effect on May 15, 2006. For more information, contact Mike Peccorelli at (801) 536-4291. <http://www.undergroundtanks.utah.gov/index.htm>

AMENDMENTS TO THE UNDERGROUND STORAGE TANK REGULATION DEFINITIONS – The DEQ has added a definition for the term "No Further Action Determination" to the

Underground Storage Tank (UST) regulations. The rule was adopted and took effect May 15, 2006. For more information, contact Gary Astin at (801) 536-4103.

REVISIONS TO THE SITE ASSESSMENT PROTOCOL – The DEQ has adopted amendments to the site assessment protocol for USTs. The revisions change all references to "recommended cleanup levels" to "initial screening levels". The rule was adopted and took effect May 15, 2006. For more information, contact Gary Astin at (801) 536-4103.

OTHER INFORMATION:

MERCURY WORK GROUP – The DEQ has convened a Mercury Work Group to discuss the status of mercury in the state. A tentative meeting date of September 28, 2006 has been set. For more information, contact John Whitehead at (801) 538-6053. The Mercury Work Group Web site is available at <http://www.deq.utah.gov/Issues/Mercury/workgroup.htm>.

LEGISLATIVE DEVELOPMENTS

The 2006 legislative session began on January 16, 2006 and ended on March 1, 2006. For information on the legislative session, link: <http://www.le.state.ut.us/>.

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WYOMING

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

NO₂ INCREMENT ANALYSIS IN THE JONAH AND PINEDALE ANTICLINE AREAS – The Wyoming Department of Environmental Quality (DEQ) is discussing the air quality monitoring and modeling efforts currently underway in Jonah and Pinedale (central and western Wyoming, respectively). The DEQ held a public meeting on June 5, 2006 to discuss the monitoring program. For more information, contact David Finley at (307) 777-7752.

WATER INFORMATION:

2006 INTEGRATED 303(D)/305(B) REPORT – The DEQ is drafting its combined 2006 303(d) and 305(b) report pursuant to the federal Clean Water Act. The final report remains under Departmental review. Submittal to EPA will be concurrent with its release. For more information, contact Bill DiRienzo at (307) 777-7081. The draft report is available at <http://deq.state.wy.us/wqd/watershed/Downloads/305b/2006/6-0048.pdf>.

WASTE INFORMATION:

VOLUNTARY REMEDIATION PROGRAM – The DEQ is in the process of establishing and implementing a voluntary remediation program as directed by the Wyoming Legislature. Final rule adoption is expected in mid-2006. For more information, contact Carl Anderson at (307) 777-7753.

LEGISLATIVE DEVELOPMENTS

The 2006 legislative session began on February 13, 2006 and ended March 10, 2006. For information on the legislative session, link: <http://legisweb.state.wy.us>.

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